

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MONSANTO COMPANY and
MONSANTO TECHNOLOGY LLC,

Plaintiffs,

vs.

E.I. DUPONT DE NEMOURS AND
COMPANY and
PIONEER HI-BRED INTERNATIONAL,
INC.,

Defendants.

[illegible]

Case No. 4:09-cv-00686-ERW

MOTION FOR EXTENSION OF TIME

Plaintiffs, Monsanto Company and Monsanto Technology LLC (collectively “Monsanto”), respectfully move for an extension of time, to and including Friday, January 6, 2012, within which Monsanto shall file and serve its Opposition to Defendants’ Motion to Strike Monsanto’s Newly Raised Evidence and Contentions First Disclosed in Expert Reports (Dkt. 985).

In support of this Motion, Monsanto states that the requested extension is not being advanced for purposes of unnecessary delay, and that the requested extension will not impact the scheduling of this matter. The issues raised in Defendants' Motion to Strike are not part of the group of expert-related motions to be heard by this Court on January 5, 2012. Moreover, the Motion to Strike will not be fully briefed before the January 5 hearing. Therefore, there is no compelling reason why Defendants require Monsanto's opposition before January 6.

Monsanto recently granted Defendants' request for a second extension to respond to Monsanto's Motion to Strike Louis Berneman (Dkt. 967) filed on December 16, 2011.

Monsanto merely requests similar consideration in turn, especially in light of the fact that a significant portion of Monsanto's response time was taken up by two holiday weekends.

Counsel for Monsanto has conferred with counsel for Defendants. Defendants have refused to agree to any extension.

WHEREFORE, Monsanto respectfully requests that this Court grant Monsanto leave to file its Opposition to Defendants' Motion to Strike Monsanto's Newly Raised Evidence and Contentions First Disclosed in Expert Reports (Dkt. 985) by Friday, January 6, 2012.

Dated: January 3, 2012

Respectfully submitted,

HUSCH BLACKWELL LLP

By: /s/ Joseph P. Conran

Joseph P. Conran, E.D.Mo. # 21635MO

joe.conran@huschblackwell.com

Omri E. Praiss, E.D.Mo. # 41850MO

omri.praiss@huschblackwell.com

Greg G. Gutzler, E.D.Mo. # 48893MO

greg.gutzler@huschblackwell.com

Dutro E. Campbell, E.D.Mo. # 47942MO

bruce.campbell@huschblackwell.com

Tamara M. Spicer, E.D.Mo. # 54037MO

tamara.spicer@huschblackwell.com

Steven M. Berezney, E.D.Mo. # 56091MO

steve.berezney@huschblackwell.com

190 Carondelet Plaza, Suite 600

St. Louis, MO 63105

(314) 480-1500 – telephone

(314) 480-1505 – facsimile

WINSTON & STRAWN LLP

Dan K. Webb
dwebb@winston.com
George C. Lombardi
glombardi@winston.com
Todd J. Ehlman
tehlman@winston.com
James M. Hilmert
jhilmert@winston.com
35 W. Wacker Drive, Suite 4200
Chicago, IL 60601
(312) 558-5600 – telephone
(312) 558-5700 – facsimile

John J. Rosenthal
jrosenthal@winston.com
Matthew A. Campbell
macampbell@winston.com
Jovial Wong
jwong@winston.com
Andrew E. Smith
aesmith@winson.com
Erica E. Stauffer
estauffer@winston.com
Zachary L. Spencer
zspencer@winston.com
Adam S. Nadelhaft
anadelhaft@winston.com
1700 K Street, N.W.
Washington, DC 20006
(202) 282-5000 – telephone
(202) 282-5100 – facsimile

Gail J. Standish
gstandish@winston.com
333 South Grand Avenue
Los Angeles, CA 90071-1543
(213) 615-1700 – telephone
(213) 615-1750 – facsimile

MCDERMOTT WILL & EMERY

Steven G. Spears
sspears@mwe.com
1000 Louisiana Street, Suite 3900
Houston, TX 77002-5005
(713) 653-1700 – telephone
(713) 739-7592 – facsimile
*Attorneys for Plaintiff Monsanto Company and
Monsanto Technology LLC*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 3rd day of January, 2012, the foregoing was filed electronically with the Clerk of the Court for the United States District Court for the Eastern District of Missouri, Eastern Division, and was served by operation of that Court's electronic filing system, upon the following:

Andrew Rothschild, Esq.
C. David Goerisch, Esq.
Lewis, Rice & Fingersh, L.C.
600 Washington, Suite 2500
St. Louis, MO 63102

Leora Ben-Ami, Esq.
Thomas F. Fleming, Esq.
Christopher T. Jagoe, Esq.
Howard S. Suh, Esq.
Jeanna Wacker, Esq.
Kaye Scholer LLP
425 Park Avenue
New York, NY 10022

Donald L. Flexner, Esq.
Hershel Wancjer, Esq.
Cynthia Christian, Esq.
Robert M. Cooper, Esq.
Jack G. Stern, Esq.
Robert J. Dwyer, Esq.
Boies, Schiller & Flexner LLP
575 Lexington Avenue, 7th Fl.
New York, NY 10022

James P. Denvir, Esq.
Amy J. Mauser, Esq.
Jonathan H. Sherman, Esq.
Boies, Schiller & Flexner LLP
5301 Wisconsin Avenue, N.W.
Washington, D.C. 20015

Attorneys for Defendants

/s/ Joseph P. Conran